

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION


NADIST, LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV969 CDP
)	
THE DOE RUN RESOURCES)	
CORP., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on the Doe Run defendants' motion for leave to file a first amended answer and counterclaim against Nadist. Nadist opposes the motion on the grounds that it is untimely under the case management order and that the procedural history (namely, that I allowed Nadist to amend its complaint after the deadline) and status of discovery do not justify granting Doe Run's motion to amend. I disagree. Given the complexity of this case, the status of discovery, the procedural history, and the fact that Nadist has demonstrated no resulting prejudice if leave to amend were granted, I will exercise my discretion and grant Doe Run's motion for leave to file an amended answer and counterclaim.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion for leave to file a first amended answer and counterclaim [#104] is granted, and defendants' first amended answer and counterclaim are deemed filed as of this date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 19th day of May, 2008.